

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

CHIQUITA BRAGGS,

Plaintiff,

v.

WRIGHT & FILIPPIS, INC.,

Defendant.

Case No. 2:22-cv-12908-SFC-EAS

Hon. Sean F. Cox

**CLASS ACTION**

**JOINT MOTION TO CONSOLIDATE CASES AND SET A SCHEDULE  
FOR THE FILING OF A CONSOLIDATED AMENDED COMPLAINT**

Plaintiff Chiquita Braggs, along with the Plaintiffs in the Related Cases (“Related Cases Plaintiffs”)—described in full below—and Defendant Wright & Filippis, LLC<sup>1</sup> (“W&F” or “Defendant”), pursuant to Fed. R. Civ. P. 42(a) and L.R. 42.1, jointly move the Court for an order consolidating this case with six subsequently filed related cases pending in this District. In support of their motion, the Related Cases Plaintiffs and W&F state as follows:

1. Between November 30 and December 14, 2022, seven class actions were filed in this District against Defendant W&F concerning a data security incident that W&F announced on or around November 18, 2022; the complaints in each of these cases allege that W&F failed to adequately safeguard the protected health information (“PHI”) of Plaintiffs and putative Class Members, and assert various state law claims, and these actions are as follows:

- *Braggs v. Wright & Filippis, Inc.*, No. 2:22-cv-12908-SFC (“*Braggs*”), filed November 30, 2022 and currently pending before the Hon. Sean F. Cox;
- *Mejia v. Wright & Filippis, Inc.*, No. 2:22-cv-12914-SFC (“*Mejia*”), filed December 1, 2022 and currently pending before the Hon. Sean F. Cox;
- *Cullin v. Wright & Filippis*, No. 2:22-cv-12917-MFL (“*Cullin*”), filed December 1, 2022 and currently pending before the Hon. Matthew F. Leitman;

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<sup>1</sup> Defendant is named in the Complaint here as Wright & Filippis, Inc.—this misnomer will be corrected in the upcoming consolidated class action complaint.

- *Thomason v. Wright & Filippis LLC*, No. 2:22-cv-12946-MFL (“*Thomason*”), filed December 5, 2022 and currently pending before the Hon. Matthew F. Leitman;
- *Hamilton v. Wright & Filippis, Inc.*, No. 2:22-cv-12961-VAR (“*Hamilton*”), filed December 7, 2022 and currently pending before the Hon. Victoria A. Roberts;
- *Kolka, et al. v. Wright & Filippis, LLC*, No. 1:22-cv-12982-SFC (“*Kolka*”), filed December 8, 2022 and currently pending before the Hon. Sean F. Cox; and
- *Eckel, et al. v. Wright & Filippis, LLC*, No. 2:22-cv-13023-TLL-PTM (“*Eckel*”) filed December 14, 2022 and currently pending before Judge Sean F. Cox <sup>2</sup> (collectively, the “Related Cases”).

2. Plaintiff Braggs, along with Related Cases Plaintiffs, and Defendant W&F, jointly move the Court for an order consolidating the case here with the six subsequently-filed related cases pending in this District described above, pursuant to Fed. R. Civ. P. 42(a) and L.R. 42.1.

3. Fed. R. Civ. P. 42 (a) provides that “[i]f actions before the court involve a common issue of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost of delay.”

4. L.R. 42.1 provides that “[a] party seeking to consolidate cases under Federal Rule of Civil Procedure 42(a) must: (1) file a motion in the case with the

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<sup>2</sup> On December 16, 2022, both the *Kolka* and *Eckel* cases were reassigned to the Hon. Sean F. Cox as companion cases to this first filed action. *See Kolka*, 1:22-cv-12982-SFC at ECF No. 4, and *Eckel*, 2:22-cv-13023-TLL-PTM at ECF No. 4.

earliest case number; and (2) file a notice of the motion in each related case.” *Id.* at § (a). “The district judge presiding in the earliest numbered case will decide the motion. However, the motion may not be granted unless the judges presiding in the related cases consent.” *Id.* at § (b). “If the motion is granted, the consolidated cases will be reassigned to the judge presiding in the earliest numbered case.” *Id.* at § (c).

5. On November 30, 2022, Plaintiff Braggs initiated this earliest numbered case against Defendant W&F, alleging claims arising from a data security incident that W&F announced on or around November 18, 2022.

6. The complaints in each of the later-numbered Related Cases raise common questions of law and fact with the *Braggs* case, arise from the same data security incident, allege that W&F failed to adequately safeguard the protected health information (“PHI”) of Plaintiffs and putative Class Members, and assert various state law claims.

7. Pursuant to L.R. 7.1, counsel for Plaintiffs in the Related Cases have conferred amongst themselves and with counsel for W&F, and agree that consolidation of the Related Cases is appropriate under Fed. R. Civ. P. 42(a). The parties have also agreed to a schedule for the filing of an operative consolidated amended complaint, and to relieve W&F of the duty to respond to the various initial complaints filed in these actions in the interim. A Proposed Order is attached as

**Exhibit 1** and will also be submitted contemporaneously through the ECF Utilities feature for consideration by the Court.

WHEREFORE, Plaintiff, the Related Cases Plaintiffs, and W&F respectfully request that this Court enter an Order, substantially in the form attached as **Exhibit 1**, and consolidate this case with the Related Cases, reassign all Related Cases to the Hon. Sean F. Cox, enter the proposed deadlines to file the operative consolidated amended complaint, and to stay the deadline for W&F to respond to the individual complaints.

Dated: January 9, 2023

Respectfully submitted,

/s/ E. Powell Miller

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**IN THE UNITED STATES DISTRICT COURT  
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CHIQUITA BRAGGS,

Plaintiff,

v.

WRIGHT & FILIPPIS, INC.,

Defendant.

Case No. 2:22-cv-12908-SFC-EAS

Hon. Sean F. Cox

**CLASS ACTION**

**BRIEF IN SUPPORT OF JOINT MOTION TO CONSOLIDATE  
CASES AND SET A SCHEDULE FOR THE FILING OF A  
CONSOLIDATED AMENDED COMPLAINT**

**STATEMENT OF ISSUE PRESENTED**

1. Whether this Court should consolidate this case with six subsequently filed Related Cases, reassign all Related Cases to the Hon. Sean F. Cox, enter deadlines to file the operative consolidated amended complaint and to stay the deadline for Defendant Wright & Filippis, LLC<sup>3</sup> (“W&F”) to respond to the individual complaints in the Related Cases?

Plaintiff Braggs states: Yes

Related Cases Plaintiffs state: Yes

Defendant states: Yes

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<sup>3</sup> Defendant is named in the Complaint here as Wright & Filippis, Inc.—this misnomer will be corrected in the upcoming consolidated class action complaint.

**MOST CONTROLLING AUTHORITY**

- FED. R. CIV. P . 42
- L.R. 42.1

In support of their Joint Motion to Consolidate Cases and Set a Schedule for the Filing of a Consolidated Amended Complaint, Plaintiff, the Related Cases Plaintiffs, and Defendant W&F rely upon the content of their Motion, the court record, FED. R. CIV. P. 42, L.R. 42.1, and the Proposed Order attached as **Exhibit 1**.

Dated: January 9, 2023

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 9, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ E. Powell Miller

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